



February 9, 2010

Jenna Pugliese, Permit and Planning Manager  
Stratton Mountain Resort  
RR 1, Box 145  
Stratton Mountain, VT 05155

Dear Jenna,

Re: Jurisdictional Opinion #2-265 - Land Use Permit #2W1142 - Tree Top / Stratton

This email/letter is in response to your request for a jurisdictional opinion as to whether replacing an existing propane-fired hot tub with an electrically-heated hot tub of the same size is prohibited under Land Use Permit #2W1142. If you look on Page 15 of the findings of fact, you will see this issue has been addressed as follows (see the bold part, particularly):

**SECTION 6086(a) 9(F) ENERGY CONSERVATION AND CRITERION 9(J)  
PUBLIC UTILITY SERVICES:**

52. An ability-to-serve letter has been issued by CVPS for this project. Exhibit 75.

53. **The ANR, in its comments dated May 17, 2002, reported that Chris Owen, Energy Efficiency Specialist with the Vermont Department of Public Service (DPS), has reviewed the project plans and has discussed the energy efficiency features of the project with Neil Ackley, representing Stratton. Mr. Owen noted that Stratton Corporation is making a conscientious effort to minimize electric demand for the complex and will use non-electric energy systems where those alternatives exist, including propane cooking ranges and clothes dryers. Hot tub heaters will be served by a loop from the propane space heating boilers. Each unit will have split-system air conditioners. The Applicant is encouraged to select air conditioners with high efficiency ratings and to opt for other efficiency options to conserve the limited electric capacity remaining on the electric utility's Southern loop transmission and distribution system. The Applicant has agreed to implement these recommendations. Exhibit 69 and Testimony. (Emphasis added).**

**CONCLUSION:**

The Commission concludes that the project is designed to conserve energy and that the design incorporates the best available technology for the efficient use of



energy and that the project will not place an undue burden on the public utilities serving the project.

Also, the permit states:

**1. The project shall be completed and maintained in accordance with: (a) Findings of Fact and Conclusions of Law and Order #2W1142 and Findings of Fact and Conclusions of Law and Order #2W0519-10 Revised and 2W0519-10-EB, (b) the plans and exhibits on file with the District 2 Environmental Commission, and (c) the conditions of this permit.**

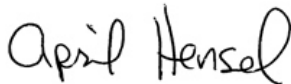
The unit owner is bound by these permit conditions and, hence, the change is not allowed unless and until an amendment is granted by the Commission to utilize electricity for the hot tub. If the unit owner wished to change these permit conditions, they would need to address Natural Resources Board Rule 34E (the Stowe Club Highlands Analysis) which can be found under the rules at <http://www.nrb.state.vt.us/lup/publications/rules/2009rules.pdf>

Please do not hesitate to contact me if you have any questions.

This is a jurisdictional opinion issued pursuant to 10 V.S.A. § 6007(c) and Act 250 Rule 3(A). Reconsideration requests are governed by Act 250 Rule 3(B) and should be directed to the district coordinator at the above address. Any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of issuance, pursuant to 10 V.S.A. Chapter 220. The appellant must also serve a copy of the Notice of Appeal on the Natural Resources Board, National Life Records Center Building, Montpelier, VT 05620-3201, and on other parties in accordance with Rule 5(b)(4)(B) of the VRECP.

For further information, see the Vermont Rules for Environmental Court Proceedings, available on line at [www.vermontjudiciary.org](http://www.vermontjudiciary.org). The Environmental Court mailing address is: Environmental Court, 2418 Airport Road, Suite 1, Barre, VT 05641-8701. (Tel: 802-828-1660)

Best regards,



April Hensel  
District 2 Coordinator  
cc: Certificate of Service

